REMARKS

Claims 1-110 are all the claims pending in the application. Claims 1, 12, 14, 25, 35, and 44 of the elected species are rejected. Claims 2-11, 13, 15-24, 26-34, 36-43, and 45-110 have been withdrawn due to an election of species.

I. Preliminary Matters

In response to the Election of Species, Applicant has elected Species A which reads on claims 1, 12, 14, 25, 35, and 44. In electing Species A, Applicant withdrew claims 2-11, 13, 15-24, 26-34, 36-43, and 45-110. Applicant respectfully requests the Examiner to correct the Office Action Summary Form PTOL-326 to reflect the correct status of claims 1-110, which are currently pending, and claims 2-11, 13, 14-24, 26-34, 36-43, and 45-110, which have been withdrawn.

II. Claim Rejections under 35 U.S.C. § 102

Claims 12, 14, 25, 35, and 44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sato et al. (U.S. Patent No. 6,895,216). Applicant traverses this rejection because the cited reference fails to disclose or suggest all of the claim limitations.

Claims 12 and 44

Claim 12 recites, *inter alia*:

". . . means for receiving video encoded data distributed by a video data distribution device based on said session information, and selecting video encoded data from encoded data received normally ***based on the video quality and/or the compression ratio*** *. . ."*

The Examiner cites column 6, lines 32-34 of Sato as disclosing the "means for receiving video encoded data" as recited in claim 12. More specifically, the Examiner alleges that Sato's disclosure of the transmission of transmission conditions by the wireless base station to the

wireless terminal corresponds to the means for receiving video encoded data of claim 12. Applicant respectfully disagrees.

Applicant submits that Sato is concerned with a method of providing multicast services based on transmission conditions. The telecommunications system of Sato contains a wireless base station 20 and wireless terminals 10. *See* Sato; col. 5, lns. 31-44. Each wireless base station contains a transceiver 21, a multicast information storage unit 22, a network control unit 23, and an information delivery control unit 24. *See* Sato; col. 5, lns. 47-49. The wireless terminal 10 includes a transceiver 11, an output unit 12, and a control unit 13. *See* Sato; col. 5, lns. 66-67. Whenever multicast services are performed, the wireless terminal 10 will measure the reception quality of the channel using the control unit 13, and send the measurement to the wireless base station 20 along with a request for delivery service of a multicast group. *See* Sato; col. 6, lns. 14-24. The wireless base station 20 then transmits the transmission conditions for the multicast information from the request multicast group to the wireless terminal 10. *See* Sato; col. 6, lns. 31-34. Sato specifically discloses that transmission conditions specify the requirements for transmission of the multicast information and include transmission rate, number of modulation levels, a transmission timeslot, a processing gain of spreading, spreading codes, and the number of the spreading codes. *See* Sato; col. 6, lns. 35-42. Based on the measured reception quality and the transmission conditions, the information delivery control unit 24 determines how to deliver the multicast information. *See* Sato; col. 6, lns. 56-58.

Because Sato teaches that the delivery of the multicast information is based on the measured reception quality and the transmission conditions for the multicast information, Sato does not teach or suggest "selecting video encoded data from encoded data received normally based on the video quality and/or the compression ratio" as recited claim 1. That is, Sato

discloses that in response to a request for delivery multicast information, a wireless base station 20 transmits requirements for the transmission of multicast information (i.e. transmission conditions) to the wireless terminal 10, so that the information delivery control unit 24 of the wireless base station 20 can determine how the multicast information should be delivered. *See* Sato; col. 6, lns. 14-24, 31-34, 56-58. Because the transmission of the multicast information of Sato is based on the measurement of the reception quality of the channel and transmission conditions, Sato neither teaches nor suggests "selecting video encoded data from . . . based on the video quality and/or compression ratio" as recited, *inter alia*, in claim 12. Therefore, Sato fails to disclose all of the elements of claim 12.

Accordingly, Applicant submits that claim 12 is patentable over the cited prior art. To the extent that claim 44 recites similar subject matter, Applicant submits that claim 44 is also patentable over the cited prior art.

Claim 14, 25, and 35

Claim 14 recites, *inter alia*:

> "*. . . said video data distribution device comprises means for selecting a session of distribution according to the compression ratio when it distributes video encoded data of the same video, but* ***having different compression ratios****, and for at least one session of distribution transmission is performed by multicast or broadcast."*

The Examiner cites column 2, lines 27-33 as disclosing the video data distribution device of claim 14. More specifically, the Examiner alleges that Sato's disclosure of transmitting multicast information that is identical, but has different transmission conditions corresponds to the video data distribution device of claim 14. Applicant respectfully disagrees.

In the Summary of the Invention as cited by the Examiner, Sato teaches that the method for providing multicast services for a set of multicast information involves sets that are identical except for their respective transmission conditions. *See* Sato; col. 2, lns. 27-33. As previously argued, Sato teaches that transmission conditions specify the requirements for transmission of the multicast information and include transmission rate, number of modulation levels, a transmission timeslot, a processing gain of spreading, spreading codes, and the number of the spreading codes. *See* Sato; col. 6, lns. 35-42. Because Sato teaches that multicast information is based on attributes of the transmission channel and transmission rates (i.e., transmission conditions), Sato neither discloses or suggests "selecting a session of distribution according to the compression ratio when it distributes video encoded data of the same video, but having different compression ratios" as recited in claim 14. Therefore, Sato fails to teach or suggest all of the elements of claim 14.

Accordingly, Applicant submits that claim 14 is patentable over the cited prior art. To the extent that claims 25 and 35 recite similar subject matter, Applicant submits that claims 25 and 35 are also patentable over the cited prior art.

Accordingly, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection of claim 1.

III. Claim Rejections under 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaga et al. (U.S. Publication No. 2002/0078439) in view of Sato et al. Applicant traverses this rejection because the cited references fail to disclose or suggest all of the claim limitations.

Claim 1 recites, *inter alia*:

"*. . . means for selecting a session of multicast or broadcast distribution according to the compression ratio.*"

The Examiner has conceded that Yamaga does not disclose "means for selecting a session of multicast or broadcast distribution according to the compression ratio" as recited in claim 1, but alleges that Sato's teaching of the process used by a wireless terminal for selecting the set of transmission conditions with the highest service quality discloses this portion of claim 1. Applicant respectfully disagrees.

Applicant believes that the Examiner's reference to paragraph 54 of Sato corresponds to column 8, line 66 through column 9, line 23 because Sato does not contain paragraph numbers. This portion of Sato discloses that within a CDMA system, the transmission rate depends upon the number of spreading codes. *See* Sato; col. 8, lns. 4-6. 66-67; col. 9, lns. 1-8. Therefore, in the event a wireless terminal can receive multicast information at a higher transmission rate, adding spreading codes can increase the rate at which the multicast information is transmitting. The spreading codes range from a transmission rate of T1, which is the lowest, to T5, which is the highest. *See* Sato; col. 9, lns. 8-23.

In summary, Sato teaches of transmitting multicast information and determining the number of spreading codes so that a higher transmission rate can be achieved. More specifically, Sato discloses a method for transmitting multicast information with different transmission rates. Therefore, Sato neither teaches nor suggests "means for selecting a session of multicast or broadcast distribution according to the compression ratio" as recited in claim 1.

Accordingly, Applicant submits that claim 1 is patentable over the cited prior art. Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103(a) rejection of claim 1.

IV. Double Patenting Rejection

Claims 1 and 44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 24 of co-pending Application No. 10/546,448 because claims 1 and 44 are allegedly fully disclosed in claim 24 of the co-pending application. Applicant traverses this ground for rejection of claims 1 and 44.

Claim 24 of Application No. 10/546,448 concerns "an image data distribution system." Claims 1 and 44 are directed towards "a video data distribution device." Further, claim 24 makes no disclosure of a "means for multicast or broadcast distributing video encoded data" or a "means for selecting a session of multicast or broadcast distribution according to compression ratio" as recited, *inter alia*, in claim 1. In addition, claim 24 makes no disclosure of a "means for distributing multiple video encoded data of the same video, but having different compression ratios in multiple different sessions" as recited in claim 44. Therefore, subject matter of claims 1 and 44 of the current application is neither contained nor disclosed in claim 24 of the co-pending Application No. 10/546,448.

Accordingly, Applicants respectfully request the Examiner to withdrawn the double patenting rejection of claims 1 and 44.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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